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BLACKWELL SANDERS LLP 720 OLIVE STREET SUITE 2400 ST. LOUIS, MO 63101			EXAMINER	
			UBER, NATHAN C	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/597,056	Applicant(s) LEE, WOO SUNG
	Examiner NATHAN C. UBER	Art Unit 4143

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED. (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 10 July 2006.
- 2a) This action is FINAL. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-20 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on 10 July 2006 is/are: a) accepted or b) objected to by the Examiner.
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449)
 Paper No(s)/Mail Date 10 July 2006
- 4) Interview Summary (PTO-413)
 Paper No(s)/Mail Date. _____
- 5) Notice of Informal Patent Application
- 6) Other: _____

DETAILED ACTION

Status of Claims

1. This action is in reply to the national stage entry application filed on 10 July 2006.
2. Claims 1-20 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statement filed on 10 July 2006 has been considered. An initialed copy of the Form 1449 is enclosed herewith.

Oath/Declaration

4. The oath or declaration is defective. A new oath or declaration in compliance with 37 CFR 1.67(a) identifying this application by application number and filing date is required. See MPEP §§ 602.01 and 602.02.

The oath or declaration is defective because: applicant amended the specification on 10 July 2006, but failed to properly note the amendment on the Oath and instead directed the Oath to the specification filed on 27 January 2005.

Drawings

5. Figure 17 should be designated by a legend such as --Prior Art-- because only that which is old is illustrated. See MPEP § 608.02(g). Corrected drawings in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

6. The abstract of the disclosure is objected to because the abstract was not provided on a separate sheet and because the first sentence includes a self evident clause, *the present invention relates to....* Correction is required. See MPEP § 608.01(b).
7. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.

Claim Rejections - 35 USC § 112

8. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
9. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.
10. Claims 1 and 3-20 are replete with limitations for which there is insufficient antecedent basis the claim and/or in the preceding claims. A list of terms lacking in antecedent basis throughout the claim set is provided below. Additionally claims 6, 7 and 9 are dependant on steps of previous claims that do not exist and for which there is no antecedent basis (for example: claim 6 recites *[t]he method of claim 1, wherein said step of measuring said searcher's clicks...* which step is not found in claim 1).

<ul style="list-style-type: none">• Information• Maximum number of expected clicks• Search word• Measured number of actual clicks• Number of impressions	<ul style="list-style-type: none">• Number of season-oriented clicks• Clicked search listing• Predetermined time• Number of clicks• Advertising period
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- Actual number of measured clicks
 - Present state of a predetermined advertisement
 - Result
 - Method (see claim 12)
 - Second maximum number...
 - Arranged location
 - Information trend of clicks
 - Determined unit click cost
 - Adjusted information
11. The term "just" in claim 8 is a relative term which renders the claim indefinite. The term "just" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
12. The term "upwards" in claim 13 is a relative term which renders the claim indefinite. The term "upwards" is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.
13. Claims 1-20 are replete with indefinite terminology that was either undefined in the specification or so poorly defined that it was not possible to ascertain the metes and bounds of the claims. A list of the indefinite terms and the Examiner's interpretation of those terms for the purposes of this examination follows:
- Confirmative information = confirmation
 - Arranging = ranking based on bid price (higher bid gets a better rank and higher placement on results page)
 - Weight = multiplier
 - Dummy amount = test amount
 - Number data = data related to the bidding process

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- Information = data, this term is used inconsistently throughout the claims especially because the claims refer to various types of *information* it often unclear which type is the subject of a particular claim
- Site identifier = data that identifies a user, a user's physical or electronic location (i.e. and IP address) and data that identifies the source of a click (i.e. a particular search result list from a search engine)
- Free advertising period = period of time in which ads are served but the reserve fund is depleted and thus there is no prepaid dollars in the reserve fund to pay for the advertisements served

Claim Rejections - 35 USC § 101

14. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

15. Claims 19 and 20 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

Claim 19 is directed to a *computer readable record medium* containing a method. The claim does not define a *computer readable record medium*, rather it defines a method. Applicant may bring this claim into compliance with 35 U.S.C. 101 by simply claiming a method, or by replacing *computer readable record medium* with "a computer-executable program tangibly embodied on a computer readable medium."

Claim 20 is directed to a *system* however the claim fails to claim any structural components of a system. The limitations are all directed to software. The means for language is directed to software applications or processes not structural components.

Claim Rejections - 35 USC § 102

16. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

17. **Examiner's Note:** The Examiner has pointed out particular references contained in the prior art of record within the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply. Applicant, in preparing the response, should consider fully the entire reference as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.
18. Claims 1-9, 13, and 16-20 are rejected under 35 U.S.C. 102(e) as being anticipated by Cheung et al. (U.S. 7,043,471).

Claims 1 and 19:

Cheung, as shown, discloses the following limitations:

- *generating information on the maximum number of expected clicks for a predetermined advertising period, in association with a predetermined search word* (see at least column 23, lines 22-26),
- *generating information on a reserve fund using said information on the maximum number of expected clicks and a unit click cost, associated with said search word thereby providing said information on the reserve fund to an advertiser* (see at least column 23, lines 47-49),

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- *receiving confirmative information on receipt of payment for advertisement based upon said information on the reserve fund from said advertiser* (see at least column 12, lines 46-55),
- *maintaining a search information database including a search listing associated with said advertiser, in response to receipt of said confirmative information, said search listing being associated with said search word* (see at least column 7, lines 54-59 and column 17, lines 46-48),
- *receiving a search request from a searcher, said search request including said search word* (see at least column 18, lines 47-49 and 55-57),
- *identifying said search listing with said search word in response to said search request, thereby arranging said search listing* (see at least column 18, lines 55-57),
- *measuring the number of actual clicks with respect to said search listing; and adjusting said information on the reserve fund associated with said advertiser based upon said measured number of actual clicks* (see at least column 19, lines 5-11).

Claim 2:

Cheung, as shown, discloses the following limitations:

- *generating statistical information with respect to the number of clicks during a predetermined previous period* (see at least column 24, lines 41-51, “[t]he reports may include... number of clicks”),
- *generating information on the number of expected clicks, based on said statistical information, wherein said information on the number of expected clicks is computed on the basis of regression* (see at least column 23, lines 26-30),
- *adding up said number of expected clicks with respect to said predetermined advertising period, thereby generating information on the maximum number of expected clicks* (see at least column 23, lines 39-41).

Claims 3-5:

Cheung, as shown, discloses the following limitations:

- *setting said number of expected clicks (Y) as... (see at least column 23, lines 36-41, "...implementation of a software counting mechanism as is well known in the art...").*

Claim 4:

Cheung, as shown, discloses the following limitations:

- *wherein said number of expected clicks (Y) is set by further considering information on the number of impressions during a particular period or information on the number of season-oriented clicks (see at least column 24, line 44-52, "...number of impressions...").*

Claim 6:

Cheung, as shown, discloses the following limitations:

- *the step of determining a valid click, wherein said step of determining the valid click comprises the steps of (see at least column 26, lines 16-19),*
- *receiving a click with respect to said search listing from said searcher (see at least column 26, lines 16-17),*
- *obtaining a first site identifier corresponding to said clicked search listing (see at least column 26, lines 26-27),*
- *in case that said first site identifier is identical to a second site identifier associated with other click within the predetermined time, determining that said click is invalid (see at least column 26, lines 26-29 and 17-19),*
- *determining that the number of clicks except said click which is determined to be invalid is valid (see at least column 26, lines 21-23, "...[t]he filters may be run on different subsets of data at different times...").*

Claim 7:

Cheung, as shown, discloses the following limitations:

- *wherein said step of determining a valid click is performed every determined period during said advertising period (see at least column 26, lines 21-23, "...[t]he filters may be run on different subsets of data at different times...").*

Claim 8:

Cheung, as shown, discloses the following limitations:

- *in case that a request for cancellation of an advertisement is received from said advertiser within said advertising period, said step of determining a valid click is performed just before cancellation* (see at least column 26, lines 21-23, "...[t]he filters may be run on different subsets of data at different times..").

Claim 9:

Cheung, as shown, discloses the following limitations:

- *said step of transmitting said information on a reserve fund to an advertiser further considers predetermined weight, based on said statistical information* (see at least column 24, lines 41-52).

Claim 13:

Cheung, as shown, discloses the following limitations:

- *generating information on the second maximum number of expected clicks with respect to a second advertising period* (see at least column 23, lines 39-42),
- *wherein said information on the second maximum number of expected clicks is revised upwards based upon said measured number of actual clicks which exceeds said maximum number of expected clicks* (see at least column 24, lines 6-11).

Claim 16:

Cheung, as shown, discloses the following limitations:

- *maintaining a present information database for recording information on the present state of a predetermined advertisement* (see at least column 23, lines 22-67 and column 24, "account management menu"... several sections to view information related to the advertiser's campaign...),
- *providing said advertiser with said information on the present state of an advertisement* (see at least column 23, lines 22-23, "[t]he 'account management' menu also may provide advertisers with..." emphasis added),

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- *wherein said information on the present state of an advertisement includes at least one selected from a group consisting of return on investment (ROI), unique visitor (UV), click through rate (CTR), the number of clicks and the number of impression associated with said search listing during said advertising period (see at least column 24, lines 48-49, "number of clicks... number of impressions").*

Claim 17:

Cheung, as shown, discloses the following limitations:

- *said unit click cost is set by satisfying the steps of receiving information on a price based on the arranged location of said search listing, from at least one advertiser (see at least column 6, lines 66-67 through column 7, lines 1-2),*
- *selling information on one bid price satisfying a predetermined condition, among said received information on the bid price, to each of arranged locations of said search listing by said unit click cost (see at least column 7, line 43).*

Claim 18:

Cheung, as shown, discloses the following limitations:

- *generating information on the maximum number of expected clicks for a predetermined advertising period, in association with a predetermined search word (see at least column 23, lines 22-26),*
- *receiving information on a bid price with respect to a unit click cost associated with said search word, from at least one advertiser (see at least column 6, lines 66-67 through column 7, lines 1-2),*
- *determining a unit click cost and an advertiser based on said received information on the bid price (see at least column 7, line 43),*
- *generating information on a reserve fund using said information on the maximum number of expected clicks and said determined unit click cost (see at least column 23, lines 47-49),*

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- *transmitting said information on the reserve fund to said determined advertiser (see at least column 19, lines 46-47 see also column 19, lines 56-59),*
- *maintaining a search listing associated with said advertiser in association with said search word in a database (see at least column 7, lines 54-59, each account includes search listing... and a search term comprising one or more keywords),*
- *receiving a search request from a searcher, said search request including said search word (see at least column 18, lines 47-49 and 55-57),*
- *identifying said search listing with said search word in response to said search request, thereby arranging said search listing (see at least column 18, lines 55-57),*
- *measuring and maintaining information on the number of clicks with respect to said arranged search listing during said advertising period (see at least column 19, lines 5-11),*
- *generating refund information or information on a free advertising period (see at least column 27, line 10-14),*
- *based on said information on the number of clicks and said information on the maximum number of expected clicks (see at least column 19, lines 46-49, advertiser may elect to view the information as claimed).*

Claim 20:

Cheung, as shown, discloses the following limitations:

- *a search information database for storing at least one search listing associated with an advertiser, said search information database associating said search listing with at least one search word (see at least column 17, lines 46-48),*
- *a search engine for abstracting search listings from a database, the search engine providing a searcher with at least one abstracted search listing upon search request of said searcher by predetermined arrangement method (see at least column 17, line 46-48),*

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- *a click predicting means for computing information on the maximum number of expected clicks during a predetermined advertising period with respect to said abstracted search listing (see at least column 23, lines 48-42),*
- *a cost computing means for generating information on a reserve fund by considering said computed information on the maximum number of expected clicks and a unit click cost associated with said search word (see at least column 23, lines 41-43),*
- *a settlement control means for transmitting said generated information on a reserve fund to an advertiser associated with said search listing (see at least column 19, line 67 through column 20, lines 1-2),*
- *receiving confirmative information on receipt of money with respect to said information on a reserve fund from an account associated with said advertiser (see at least column 12, lines 46-55),*
- *an advertisement cost subtracting means for measuring said searcher's number of valid clicks that generate during said advertising period, and subtracting said information on a reserve fund in correspondence with said number of valid clicks (see at least column 19, lines 5-11),*
- *wherein said click predicting means computes the number of expected clicks on the basis of statistical information with respect to the number of clicks during the predetermined previous period and adds up said computed number of expected clicks with respect to said advertising period, thereby generating information on the maximum number of expected clicks (see at least column 23, lines 48-42).*

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious

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at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. Claims 10-12 and 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cheung et al. (U.S. 7,043,471).

Claim 10:

Cheung, as shown, discloses the following limitations:

- *transmitting information on a dummy amount to an account associated with said advertiser receiving number data corresponding to said information on a dummy amount, from said advertiser; and determining whether said dummy amount is identical to said number data* (see at least column 27, lines 20-25, retrieve an account balance and evaluate account status).

Cheung does not disclose transmitting test amounts, but as shown, Cheung does disclose evaluating the account status to confirm transactions. Examiner takes **Official Notice** that it is old and well known in the art to verify account status and that there are many methods for doing so including testing an account. It would have been obvious to one having ordinary skill in the art at the time of the invention to employ alternate methods of verifying customer accounts such as testing an account because different methods produce different results and it may be beneficial to have a record of a testing event rather than rely on a status indicated by a computer.

Claims 11-12:

Cheung discloses compiling the information and the capability of performing various tasks as shown below:

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- *actual number of measured clicks* (see at least column 23, line 39)
- *said maximum number of expected clicks* (see at least column 23, lines 39-41)
- *generating refund information, and transmitting the same to said advertiser* (see at least column 27, lines 11-15)
- *the method further includes the step of stopping adjustment of said information on the reserve fund* (see at least column 12, lines 46-55, a method of stopping account activity on over drawn accounts)

Cheung does not specifically disclose *comparing* a predicted number of clicks for a given period to the actual number of clicks that occurred in that period and performing actions (such as issuing refunds) *based* on any differences observed as claimed in the limitations below. However Examiner takes **Official Notice** that it is old and well known in the art to compare expectations for an advertising campaign over a given period of time to the actual results and to make adjustments accordingly as indicated by the limitations below.

- *in case that said actual number of measured clicks is below said maximum number of expected clicks at the result the method further includes the steps*
- *in case that said number of measured clicks exceeds said maximum number of expected clicks at the result*

Examiner also takes **Official Notice** that it is old and well known in the art to refund clients who overpay for a service and contrarily to stop deducting funds from an account that has already been exhausted. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include among Cheung's many reporting features (see column 24 generally) a report that compared expected cost/clicks to actual cost/clicks for a given period because the Cheung invention already compiles the necessary information and such a comparison would help advertisers "fine-tune [their] projected cost estimates" (column 24, lines 10-11).

Claims 14-15:

Cheung, as shown, discloses the following limitations:

- *generating information on trend of clicks based on said measured number of actual clicks within said advertising period* (see at least column 24, line 9, "general pattern").

With regard to the following limitations, Cheung does not use the words *free advertising period* because when a reserve fund is empty Cheung contemplates either no longer displaying the advertisement or invoicing the advertiser (see at least column 24, lines 6-8 and 10-14). Although Cheung does not use the same terminology, Cheung is still able to predict and report and make adjustments, as shown, with regard to advertisements served after a reserve fund is depleted.

- *generating predicted information on a free advertising period, based on said information trend of clicks* (see at least column 23, lines 47-48),
- *transmitting said predicted information on a free advertising period, to said advertiser* (see at least column 19, lines 47-49),
- *in case that said adjusted information on the reserve fund is below a predetermined value, said predicted information on a free advertising period is generated* (see at least column 19, lines 53-56 see also column 20, lines 9-14, in place of maintaining an account balance, advertisers may be invoiced).

Although Cheung does enable a *free advertising period*, Cheung discloses the phenomenon of advertisers contracting payment limits for advertising (clicks) for periods of time and receiving free advertisements if advertisements (clicks) are served to users exceeding those limits (see at least column 4, lines 19-23). Rather than allowing free advertising, Cheung takes the position that free advertisements are a defect in the art (see at least column 4, lines 19-23) and prevents them from being distributed server (see at least column 24, lines 6-11). It would have been obvious to one having ordinary skill in the art at the time the invention was made to disagree with Cheung's position that free advertisements are a defect in the art and to alternatively award free advertisements to advertisers and report that fact to them in light of the Cheung invention because the Cheung invention has the capability to predict, detect, report and award free clicks and because Cheung presents the option of awarding free advertisements verses not awarding them (see at least column 4, lines 19-23). Although Cheung's disclosure does not encourage

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awarding the free clicks to an advertiser it would have been obvious to one having ordinary skill in the art at the time of the invention to reasonably disagree with Cheung's position that free clicks in this situation are a defect of the prior art and be contrarily motivated to award free clicks because the free clicks could be interpreted as an incentive to choose one service provider over another. Further using Cheung's invention it would have been obvious to one having ordinary skill in the art allow an advertiser to implement the accrual of free clicks because one could allow the Cheung invention to draw a negative account balance (as with the invoicing procedure) and continue to serve the advertisements rather than deactivating the account.

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Conclusion

22. Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Nathan C Uber** whose telephone number is **571.270.3923**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **James A Reagan** can be reached at **571.270.6710**.
23. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see [<http://portal.uspto.gov/external/portal/pair>](http://portal.uspto.gov/external/portal/pair). Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).
24. Any response to this action should be mailed to:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to **571-273-8300**.

25. Hand delivered responses should be brought to the **United States Patent and Trademark Office Customer Service Window**:

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/Nathan C Uber/ Examiner, Art Unit 4143

6 February 2008

/James A. Reagan/Supervisory Patent Examiner, Art Unit 4143